

CABINET FOR GENERAL GOVERNMENT
Department of State
Office of Business Services
(Amendment)

30 KAR 3:030. Classification of goods and services for registration of trademarks and service marks.

RELATES TO: KRS 365.593

STATUTORY AUTHORITY: KRS 365.593

NECESSITY, FUNCTION, AND CONFORMITY: KRS 365.593 requires the Secretary of State to promulgate an administrative regulation establishing a system for classifying goods and services for purposes of application for registration of trademarks and service marks. To the extent practical, the Secretary of State is required to follow the classification of goods and services adopted by the U.S. Patent and Trademark Office. This administrative regulation establishes a system of classification of goods and services conforming~~[in compliance with]~~ 37 C.F.R. 6.1 and the U.S. Patent and Trademark Office Trademark Manual of Examining Procedure ~~[Third Edition]~~ section 1401.

Section 1. The applicant shall indicate by number the classification of the goods or services recited in the application. The following classification of goods and services shall be used in the registration of trademarks and service marks:

(1) Chemical products~~[Chemicals]~~ used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; ~~[manures;]~~ fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry;

(2) Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists;

(3) Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, non-medicated cosmetics and toiletry preparations; ~~[hair lotions];~~ non-medicated dentifrices;

(4) Industrial oils and greases; lubricants; wax; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles, wicks;

(5) Pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides;

(6) Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; nonelectric cables and wires of common metal; iron-mongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores;

(7) Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements; incubators for eggs;

(8) Hand tools and implements; ~~[hand operated];~~ cutlery; side arms (except firearms); razors;

(9) Scientific research, navigation ~~[nautical]~~, surveying, electric, photographic, cinematographic, optical, weighing, measuring, signaling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus for recording, transmission or reproduction of sound

or images; magnetic data carriers, recording discs; automatic vending machines and mechanisms for coin operated apparatus; cash registers, calculating machines, data processing equipment and computers; fire-extinguishing apparatus;

(10) Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials;

(11) Apparatus and installations for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes;

(12) Vehicles; apparatus for locomotion by land, air or water;

(13) Firearms; ammunition and projectiles; explosives; fireworks;

(14) Precious metals and their alloys and certain~~[or]~~ goods made off~~[in]~~ precious metals or coated therewith ~~[with precious metals that are, not included in other classes];~~ jewelry, precious and semiprecious stones; horological and chronometric instruments;

(15) Musical instruments and music stands for musical instruments; conductors' batons;

(16) Paper and ~~[,]~~ cardboard ~~[and goods made from these materials that are not included in other classes];~~ printed matter, bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); playing cards; printers' type; printing blocks;

(17) Unprocessed and semi-processed rubber, gutta-percha, gum asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes tubes, and hoses, not of metal;

(18) Leather and imitations of leather, and goods made of these materials not included in other classes; animal skins, hides; luggage~~[trunks]~~ and carrying ~~[travelling]~~ bags; umbrellas, parasols and walking sticks; whips, harness and saddlery;

(19) Building materials (nonmetallic); nonmetallic rigid pipes for building; asphalt, pitch and bitumen; nonmetallic transportable buildings; monuments that are not of metal;

(20) Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ~~[ivory,]~~ whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics;

(21) Household or kitchen utensils and containers (not of precious metal or coated therewith); combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steel wool; unworked or semiworked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes;

(22) Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials;

(23) Yarns and threads~~[,]~~ for textile use;

(24) Textiles and substitutes for textiles; houseld linens; curtains of textile or plastic~~[textile goods, not included in other classes; bed and table covers];~~

(25) Clothing, footwear, headgear;

(26) Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers; hair decorations; false hair;

(27) Carpets, rugs, mates and matting, linoleum and other materials for covering existing floors; wall hangings (nontextile);

(28) Games, toys and playthings; video game apparatus; gymnastic and sporting articles not included in other classes; decorations for Christmas trees;

(29) Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, fruit sauces; eggs, milk and milk products; edible oils and fats;

(30) Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, honey, treacle; yeast, baking powder, salt, mustard; vinegar, sauces (condiments); spices; ice;

(31) Raw and unprocessed agricultural, aquacultural, horticultural and forestry products and grains not included in other classes; live animals; raw and unprocessed grains and seeds; fresh fruits and vegetables; bulbs, seedlings and seeds for planting;[~~seeds,~~] natural plants and flowers; foodstuffs for animals, malt;

(32) Beers; mineral and aerated waters and other nonalcoholic drinks; fruit drinks and fruit juices; syrups and other preparations for making beverages;

(33) Alcoholic beverages (except beers); alcoholic preparations for making beverages;

(34) Tobacco and tobacco substitutes; smokers' articles; matches; electronic cigarettes and oral vaporizers for smokers;

(35) Advertising; business management; business administration; office functions;

(36) Financial, monetary and banking services[~~insurance; financial affairs; monetary affairs~~]; insurance services; real estate affairs;

(37) Building construction; repair; installation services; mining extraction; oil and gas drilling;

(38) [~~Telecommunications~~] Telecommunication services;

(39) Transport; packaging and storage of goods; travel arrangement;

(40) Treatment of materials; recycling of waste and trash; air purification and treatment of water; printing services;

(41) Education; providing of training; entertainment; sporting and cultural activities;

(42) Scientific and technological services and research and design relating thereto[~~Providing of food and drink; temporary accommodation; medical, hygienic and beauty care; veterinary and agricultural services; legal services; scientific and industrial research; computer programming; services that cannot be placed in other classes~~]; industrial analysis, research and design services; quality control and authentication services; design and development of computer hardware and software;

(43) Services for providing food and drink; temporary accommodations;

(44) Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services; or

(45) Legal services; security services for the physical protection of tangible property and individuals; personal and social services rendered by others to meet the needs of individuals; security services for the protection of property and individuals.

MICHAEL G. ADAMS, Secretary of State

APPROVED BY AGENCY: August 27, 2021

FILED WITH LRC: August 27, 2021 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on November 26, 2021, at 9:00 a.m. EST, at Office of the Secretary of State. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) work days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until November 31, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Michael R. Wilson, Director, Office of Business, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 782-7439, fax (502) 564-5687, email michael.wilson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael R. Wilson

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a system for classifying goods and services for the purpose of trademark and service mark registration.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish a uniform system for classifying goods and services for the purpose of trademark and service mark registration.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation establishes a system for classifying goods and services for the purpose of trademark and service mark registration as required by KRS 365.593.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is necessary to establish a uniform system for classifying goods and services for the purpose of trademark and service mark registration.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amended regulation provides greater conformity with the federal classification system by providing classification for modern and additional goods and services.

(b) The necessity of the amendment to this administrative regulation: This amendment is needed to conform Kentucky's classification of goods and services to the system adopted by the United States Patent and Trademark;

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statute by establishing a system for classifying goods and services for the purpose of trademark and service mark registration.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides uniformity and certainty to trademark and service mark classification.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment affects any person, business, organization or state and local government that holds or seeks to receive a trademark or service mark registration.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated individuals identified in question (3) will have to familiarize themselves with the contents of this regulation and incorporated form when applying for a trademark or service mark.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Individuals identified in question (3) will incur negligible costs in order to comply.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The regulation provides uniformity and certainty to the trademark and service mark classification of goods and services.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There will be no costs to implement this administrative regulation.

(b) On a continuing basis: There is no cost to implement this administrative regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Existing appropriations and fund sources for the Office of the Secretary of State.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: An increase in fees or funding will not be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes nor increases any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to similarly situated individuals and entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact the units, parts or divisions of state or local government only if they seek to renew a trademark or service mark registration.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation is authorized by KRS 365.593.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate any additional revenue for state or local governments during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate any additional revenue for state or local governments during subsequent years of implementation.

(c) How much will it cost to administer this program for the first year? There will be no additional cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost to administer this program in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. No cost is anticipated beyond what has been historically allocated to administer the processing and approval of trademark and service mark registration renewal applications.

Revenues (+/-):

Expenditures (+/-):
Other Explanation: